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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,184	10/24/2001	Nikolai K.N. Leung	020046	7249

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QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,184

Applicant(s)

LEUNG, NIKOLAI K.N.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 48,49,51-53 and 55 is/are rejected.
- 7) ☒ Claim(s) 50 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 48, 49, 52, 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 6,556,834).

As to claim 48, Kobayashi teaches a method for re-synchronization in a communication system (figure 1-4), the method comprising:

receiving a first broadcast stream on a first broadcast channel at a subscriber station transmitted from a first terminal;

acquiring a second broadcast stream on a second broadcast channel at the subscriber station transmitted from a second terminal;

searching the second broadcast stream for service option information while decoding content of the first broadcast stream, said service option information including parameters for processing the second broadcast stream; and

decoding and outputting the second broadcast stream using the parameters.

As to claim 49, Kobayashi teaches the method of claim 48, further comprising:

ending the decoding and outputting of the first broadcast stream, thus concluding handoff from the subscriber station from the first terminal to the second terminal (figure 3, 4).

As to claim 50, the claim is a system claim of claim 48; therefore, the claim is interpreted and rejected as set forth as claim 48.

As to claim 51, the claim is a system claim of claim 49; therefore, the claim is interpreted and rejected as set forth as claim 49.

2. Claims 48, 49, 52, 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin (US 6,542,744).

As to claim 48, Lin teaches a method for re-synchronization in a communication system (figure 13), the method comprising:

receiving a first broadcast stream on a first broadcast channel at a subscriber station transmitted from a first terminal;

acquiring a second broadcast stream on a second broadcast channel at the subscriber station transmitted from a second terminal;

searching the second broadcast stream for service option information while decoding content of the first broadcast stream, said service option information including parameters for processing the second broadcast stream; and

decoding and outputting the second broadcast stream using the parameters.

As to claim 49, Lin teaches the method of claim 48, further comprising:

ending the decoding and outputting of the first broadcast stream, thus concluding handoff from the subscriber station from the first terminal to the second terminal (figure 13).

As to claim 50, the claim is a system claim of claim 48; therefore, the claim is interpreted and rejected as set forth as claim 48.

As to claim 51, the claim is a system claim of claim 49; therefore, the claim is interpreted and rejected as set forth as claim 49.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51 and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Requena (US 2002/0126701).

As to claim 51, Kobayashi teaches the method of claim 48, Kobayashi fails to teach the service option information includes at least one of a header compression protocol and session description protocol (SDP). Requena teaches the service option information includes at least one of a header compression protocol and session description protocol (paragraph 0086). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Requena into the system of Kobayashi in order to contain any kind of data.

As to claim 55, the claim is a system claim of claim 51; therefore, the claim is interpreted and rejected as set forth as claim 51.

Allowable Subject Matter

Claims 50, 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 50, 54, the teaching of above prior arts either alone or in combination fails to teach determining the timing of the first broadcast stream and the second broadcast stream to re-align the output of the content of the second broadcast stream.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. McKenna et al (US 6,681,115) teaches communiqué subscriber handoff between a narrow cast cellular communication network and a point-to-point cellular communication network.


B. Lee et al (US 2002/0004397) teaches code combining soft handoff method.

C. Chen et al (US 6,535,739) teaches method of handoff within a telecommunication system containing digital base stations with different spectral capabilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Danh', is written over a horizontal line.

February 15, 2005
DANH CONG LE
PRIMARY EXAMINER